



**MINUTES**  
**COLORADO STATE BOARD OF DENTAL EXAMINERS**  
**FULL BOARD MEETING**  
**JANUARY 13, 2011**

***NOTE:** This meeting was noticed in compliance with Division of Registrations policy.*

**LOCATION:** CIVIC CENTER PLAZA  
1560 BROADWAY  
CONFERENCE ROOM 1250 C  
DENVER, CO 80202

**MEMBERS PRESENT:** F. ROBERT MURPHY, DDS, BOARD CHAIRPERSON; LISA HERDER, RDH, BOARD VICE-CHAIRPERSON; PETER CARLESIMO, DDS; STEVEN A. TILLISS, DDS, MS; ANNETTE ISENBART, RDH; DUANE TAKAKI, DDS; KRISTIN A. LUND, RDH; AND NOBLE WALLACE

**MEMBERS NOT PRESENT:** BRIAN DAVIDSON, MD; EVE BLUESTEIN, MD, DDS; AND PAULETTE PORZIO-DILIZIA, DMD

**PRESIDING:** F. ROBERT MURPHY, DDS, BOARD CHAIRPERSON

**COUNSEL:** SUE KIM, SENIOR ASSISTANT ATTORNEY GENERAL

**STAFF:** MAULID MISKELL, PROGRAM DIRECTOR; ABIGAIL GASKINS, COMPLIANCE MONITOR; JESSICA LEHEW, COMPLAINT SPECIALIST; AND KIRI HAOLE, PROGRAM SUPPORT ASSISTANT

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## **I. CALL TO ORDER**

F. Robert Murphy, DDS, Board Chairperson called the meeting to order at 8:02 A.M.

## **II. APPROVAL OF MINUTES**

- A. A motion was made, seconded, and carried to **approve** as amended the minutes of the July 8, 2010 Full Board meeting.
- B. A motion was made, seconded, and carried to **approve** as presented the minutes of the October 8, 2010 Full Board special meeting.
- C. A motion was made, seconded, and carried to **approve** as amended the minutes of the October 20, 2010 Full Board meeting.

## **III. PRESENTATIONS/APPEARANCES**

- A. Brian N. Vamvakias, MS – Presented Colorado Department Public Health and Environments x-ray machine regulations for dental facilities. **Board noted.**
- B. Dr. Stephen MacLeod – Supplemented his written correspondence verbally. The Board's action is reflected in section VI of these minutes.

- C. Rebecca Heck; Lori A. Crane, Ph.D., M.P.H.; and Alexa Cares, M.P.H. – Presented the results from the Dental Peer Health Assistance Program Evaluation. **Board noted.**
- D. Annette G. Isenbart, RDH – Ms. Isenbart summarized to the Board verbally her written report on the November 2010 CRDTS Steering Committee meeting.
- E. Duane M Takaki, DDS – Dr. Takaki summarized to the Board verbally the documentation he submitted regarding the ADEX 6<sup>th</sup> Annual meeting. The Board agreed to continue participating as a member state of ADEX.
- F. Maulid Miskell, Program Director – Mr. Miskell provided commentary on his thoughts regarding the national clinical examination debate, including issues between CRDTS, NERB, and ADEX. The Board then engaged in discussion on this topic. Mr. Miskell then gave the Board an update on the Anesthesia Application Review Committee and anticipates the process of forming this committee to be completed before the next Full Board meeting. Mr. Miskell also notified the Board that the Rules Committee will be reviewing recommended language for rules and policies before the next Full Board meeting, which will include the infection control rule and language surrounding continued competency for dentists and dental hygienists. And the Professional Standards Committee will review and update the consultant application. He informed the Board that Abigail Gaskins, Compliance Monitor has begun the process of updating the jurisprudence examination and will work on the practice monitor application and report forms once the jurisprudence examination is complete. Mr. Miskell mentioned he met with Comfort Dental leadership and their lobbyist Lawless Barrientos on October 27, 2010 to hear any issues they may have and to explain how the Board works and operates. Mr. Miskell then conducted professional outreach to all Comfort Dental dentists on December 14, 2010 and December 15, 2010. Mr. Miskell notified the Board that on January 26, 2011 he will be meeting with the leaders of Perfect Teeth to discuss professional outreach. On December 20, 2010, Mr. Miskell met with Jason Hopfer who is the lobbyist for FORBA, providing him with an opportunity to introduce himself and be available for any questions or concerns regarding FORBA and their Small Smiles practices. Mr. Miskell notified the Board that on December 13, 2010 he conducted an audit of the 2010 CDA Peer Review Committee cases with Paulette Porzio-Dilizia, DMD. Mr. Miskell and Dr. Porzio-Dilizia are to return on January 17, 2011 to complete an audit of their 2009 cases. On December 21, 2010, Mr. Miskell and Peter D. Carlesimo, DDS conducted an audit of the 2009-2010 CDA Peer Review Committee cases. On January 11, 2011, Mr. Miskell met with the CDA to meet their new executive director; to discuss the complaint process; and to discuss the upcoming legislative session. In his discussions with Comfort Dental and the CDA a common concern voiced was the Board's complaint process. Mr. Miskell will investigate on ways to improve this process while ensuring consumer protection. Mr. Miskell informed the Board that the Health Professions Profiling Program is moving forward with their rule making hearing and that he would report back to the Board at their Full Board meeting on how the rule making hearing went. The Board gave Mr. Miskell permission to invite Nan Dreves, RDH from Wisconsin who participates with both CRDTS and ADEX; Guy Champaine, DDS who participates with both ADEX and NERB; Stan Kanna, DDS who participates with ADEX to speak before the Board at the April Full Board meeting.
- G. F. Robert Murphy, DDS, Board Chairperson – Dr. Murphy thanked the Board members who have participated in Board activities outside of the regularly scheduled Board meetings; he thanked the Office of the Attorney General, Board staff, and Board members who have participated in the mediation process resulting in a number of back logged cases being closed; and he thanked Mr. Miskell and staff for their excellent work and keeping the Board running smoothly. Dr. Murphy suggested to the Board members that they begin thinking about changes that need to be made to the Dental Practice Law since the sunset review process is approaching in the year 2014, including anticipation of addressing mid-level providers and ethics.

- H. Jennifer Goodrum – Ms. Goodrum who is the Director of Government Relations for the CDA notified the Board of CDA's new executive director and provided a verbal update on prospective dental related legislation during this year's legislative session.

## IV. RULEMAKING

- A. None.

## V. POLICIES

### A. BOARD DISCUSSION AND DELIBERATION

#### 1. PROPOSED AMENDMENTS TO POLICIES

##### a. Policy 1.DD

A motion was made, seconded and carried to **adopt Policy 1.DD as proposed** together with a statement of basis and purpose to become effective immediately.

## VI. NEW BUSINESS

### A. Professional Associations

#### 1. AADB

- a. AADB Bulletin – **Board noted.**

#### 2. CDA

- a. CDA Journal – **Board noted.**

#### 3. CRDTS

- a. CRDTS Annual School's Report – **Board noted.**  
b. CRDTS Bylaws – **Board noted.**  
c. CRDTS Dental Examiners Assignments – **Board noted.**  
d. CRDTS Examiner Request – A motion was made, seconded and carried to **conditionally accept** H. Candace DeLapp's, DDS request to serve as a CRDTS examiner pending verification that CRDTS requires Board recommendation and that her qualifications satisfy requirements established by CRDTS.  
e. CRDTS NERB Status given to FL Dental Candidates – **Board noted.**  
f. CRDTS 2011 Annual Meeting and Meeting Dates – **Board noted.**  
g. CRDTS The CRDTS Report – **Board noted.**  
h. CRDTS 2011 Information Directory – **Board noted.**

#### 4. DANB

- a. DANB 2010-2011 Board Director's and Officer's – **Board noted.**  
b. DANB 2010 Salary Survey Results – **Board noted.**  
c. DANB Renames New Certification Program – **Board noted.**  
d. DANB Update – **Board noted.**  
e. DANB Certified Press – **Board noted.**

#### 5. Joint Commission on National Dental Examination

- a. Joint Commission 2011 NDEAF – **Board noted.** F. Robert Murphy, DDS volunteered to participate as Eve Bluestein's, MD, DDS backup if she is unable to attend.

#### 6. NERB

- a. NERB Examiner Confirmation – A motion was made, seconded and carried to **delegate** to staff to handle this confirmation.
- b. NERB Dr. Joseph Rossa and Related Matters – **Board noted.**

7. PAS

- a. PAS Dentist Program Evaluation Final Report – **Board noted.**
- b. PAS Appendix I – Survey for Participants – **Board noted.**
- c. PAS Appendix II – Key Informant Interview Script – **Board noted.**
- d. PAS 2009-2010 Financial Audit – **Board noted.**

B. Consultant Application

1. Matthew Ross, DDS – A motion was made, seconded and carried to **approve** this consultant application pending verification that he fulfills the requirements for 5 years of experience.
2. Pamela McClain, DDS – A motion was made, seconded and carried to **approve** this consultant application.

C. Miscellaneous

1. Full Board Nominations – A motion was made, seconded and carried to **re-elect F. Robert Murphy, DDS** as the Board Chairperson.  
A motion was made, seconded and carried to **elect Lisa M. Herder, RDH** as the Board Vice-Chairperson.
2. Annual Meeting Designation – A motion was made, seconded and carried to **designate** the following public place for posting the Board’s meeting notices: 1560 Broadway , Denver, CO, 13<sup>th</sup> floor reception area.
3. Kentucky Board Newsletter – **Board noted.**
4. North Dakota Board Newsletter – **Board noted.**
5. Letter December 29, 2010 from Dr. Stephen MacLeod – The Board **informed** Dr. MacLeod that residents from out-of-state universities completing residency rotations in Colorado are exempt from licensure pursuant to section 12-35-115(1)(e), C.R.S.
6. Letter December 29, 2010 from Dr. Stephen MacLeod – The Board authorized staff to administratively **approve** their residents pursuant to section 12-35-115(1)(d), C.R.S. The Board also requested that staff handle the same issue for Children’s Hospital.
7. Proposed ADSA Minimal Sedation course from Michael K. Rollert, DDS – A motion was made, seconded, and carried to **delegate** to staff to respond to Dr. Rollert regarding the Board’s procedures pursuant to Board Rule XIV.

## VII. OLD BUSINESS

- A. None.

## VIII. EXECUTIVE SESSION

A. Legal Report – Addition

1. Rinaldi v. Colorado Board of Dental Examiners, District Court Case No. 2010 CV 7282

At 10:42 a.m., a motion was made, seconded, and carried unanimously to **enter** into executive session for the purpose of discussing with counsel disputes that are the

subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions pursuant to section 24-6-402 (3)(a)(II) and (III) C.R.S., concerning Rinaldi v. Colorado Board of Dental Examiners, Denver District Court Case No. 2010 CV 7282. After discussion, at 10:50 a.m., the Panel left executive session and returned to open session.

**IX. ADJOURNMENT**

The January 13, 2011 Open Full Board meeting of the Colorado State Board of Dental Examiners adjourned at 10:50 p.m. The next meeting will be conducted on April 27, 2011.

These minutes were approved by the Board.

FOR THE COLORADO STATE BOARD OF DENTAL EXAMINERS

F. Robert Murphy, DDS  
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June 8, 2011  
DATE

Board Chairperson  
Title